

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DONALD CALVIN,

Plaintiff,

v.

WHATCOM COUNTY, *et al.*,

Defendants.

No. C07-273RSL

ORDER DENYING MOTION FOR
WAIVER OF SERVICE OR ORDER
DIRECTING SERVICE

This matter comes before the Court on *pro se* plaintiff's "Motion to Permit Request of Waiver of Service of Additional Defendants; *or*, for an Order Directing Service by United States Marshal's Service, in the Alternative" (Dkt. #14). For the reasons set forth below, the Court denies plaintiff's motion

In his complaint, plaintiff identified five named defendants: Whatcom County, David McEachran, Royce Buckingham, Dale Brandland, and Wendy Jones. See Dkt. #5 (Complaint). The five named defendants have answered plaintiff's complaint. See Dkt. #24. Plaintiff also listed "Other Unknown Deputies, Jane/John Doe" as defendants. See id. In his motion, plaintiff now "moves the court to permit service upon four defendants, now known, but not named in the complaint" either by waiver of service or through service by the U.S. Marshals. See Motion at 1.

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1 Since filing his complaint, plaintiff has identified four “doe defendants” and now moves
2 the Court for assistance in serving them. See Motion at 3 n.4 (“These persons are three
3 Whatcom County Sheriff’s Deputies: T Furdyk, M. King, and Koch, and a Lynden City
4 Detective, Lee Beld.”). Plaintiff, however, has failed to move to amend¹ his complaint to add
5 the now-known individuals as defendants. See, e.g., Brass v. County of Los Angeles, 328 F.3d
6 1192, 1197-98 (9th Cir. 2003) (affirming district court’s refusal to substitute four doe defendants
7 because plaintiff had not attempted to request leave from the Court to add new parties or to file
8 an amended complaint); Schomaker v. United States, 2007 U.S. Dist. Lexis 85557, at *14 n.6
9 (D.N.H. Oct. 29, 2007) (“Once Schomaker identifies the individual property officers he wishes
10 to serve, he must properly move to amend his complaint to notify the Court of their names, and
11 request that those individuals be served with this action.”). Accordingly, plaintiff’s motion (Dkt.
12 #14) is DENIED.

13 DATED this 12th day of February, 2008.
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17 Robert S. Lasnik
18 United States District Judge
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24 ¹ Because the named defendants have answered, under Fed. R. Civ. P. 15(a), plaintiff must file a
25 motion for leave to amend his complaint. Should plaintiff file a motion for leave to amend, he must also
26 file a copy of the proposed amended complaint with his motion for leave to amend.